

**U.S. District Court
Northern District of Iowa (Western Division)
CIVIL DOCKET FOR CASE #: 5:10-cv-04112-LTS**

Hulstein v. Drug Enforcement Administration
Assigned to: Magistrate Judge Leonard T Strand
Case in other court: 8th Circuit Court of Appeals, 11-02039
Cause: 05:552 Freedom of Information Act

Date Filed: 11/17/2010
Date Terminated: 02/07/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Tony Hulstein**

represented by **Wallace L Taylor**
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V.

Defendant**Drug Enforcement Administration**

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Date Filed	#	Docket Text
11/17/2010	<u>1</u>	COMPLAINT against Drug Enforcement Admin. (Filing fee \$ 350 receipt number 0862-1099806.), filed by Tony Hulstein. Scheduling Report due by 3/30/2011 (Attachments: # <u>1</u> Civil Cover Sheet) (Taylor, Wallace) (Entered: 11/17/2010)
11/17/2010		Judge Mark W Bennett and Chief Magistrate Judge Paul A Zoss added – Conflict check performed as to judges, parties and attorney – No conflicts identified (kfs) (Entered: 11/17/2010)
11/17/2010	<u>2</u>	Summons Issued as to Defendant Drug Enforcement Administration****PLEASE MAKE COPIES OF SUMMONS FOR EACH DEFENDANT AND FILL IN REMAINING INFORMATION****(Attachment #(1) New Civil Case Packet) (kfs) (Entered: 11/17/2010)
12/22/2010	<u>3</u>	ANSWER to <u>1</u> Complaint by Drug Enforcement Administration.(Wright, Stephanie) (Entered: 12/22/2010)
01/12/2011	<u>4</u>	MOTION For Scheduling Order by Plaintiff Tony Hulstein (Taylor, Wallace) (Entered: 01/12/2011)
01/13/2011	<u>5</u>	ORDER Setting Telephonic Status Conference on <u>4</u> MOTION For Scheduling Order – Telephonic Status Conference set for 01/18/2011 at 10:00 AM before Chief Magistrate Judge Paul A Zoss. Signed by Chief Magistrate Judge Paul A Zoss on 01/12/11. (kfs) (Entered: 01/13/2011)

01/13/2011	<u>6</u>	UNRESISTED Motion for Rescheduling the Telephonic Status Conference by Defendant Drug Enforcement Administration (Wright, Stephanie) (Entered: 01/13/2011)
01/13/2011	<u>7</u>	STATUS Report <i>In Advance of Telephonic Status Conference</i> by Drug Enforcement Administration (Wright, Stephanie) (Entered: 01/13/2011)
01/13/2011	<u>8</u>	ORDER granting <u>6</u> UNRESISTED Motion for Rescheduling the Telephonic Status Conference filed by Drug Enforcement Administration. The telephonic scheduling conference is reset for 1/24/2011 11:00 AM before Chief Magistrate Judge Paul A Zoss on <u>4</u> MOTION For Scheduling Order. Signed by Chief Magistrate Judge Paul A Zoss on 1/13/11. (djs) (Entered: 01/13/2011)
01/21/2011	<u>9</u>	ORDER Cancelling Hearing. The scheduling conference previously scheduled for 1/24/11, at 11:00 a.m. is cancelled. Signed by Chief Magistrate Judge Paul A Zoss on 1/21/11. (djs) (Entered: 01/21/2011)
01/27/2011	<u>10</u>	*ORAL ARGUMENT REQUESTED – MOTION for Summary Judgment by Plaintiff Tony Hulstein Responses due by 2/22/2011 (Attachments: # <u>1</u> Brief, # <u>2</u> Statement of Material Facts, # <u>3</u> Appendix) (Taylor, Wallace) (Additional attachment added on 2/28/2011 pursuant to order at <u>17</u> : # <u>4</u> Amended Brief) (src) (Entered: 01/27/2011)
01/28/2011	<u>11</u>	SCHEDULING Order and Discovery Plan: Add Parties Deadline due by 4/14/2011. Amended Pleadings due by 4/14/2011. Discovery due by 7/1/2011. Motions due by 7/15/2011. Trial Ready Deadline 11/24/2011. ORDER: Upon consent of the parties Drug Enforcement Administration, Tony Hulstein, this case is reassigned to Chief Magistrate Judge Paul A Zoss for final disposition. Signed by Judge Mark W Bennett and Chief Magistrate Judge Paul A Zoss on 1/28/11. (djs) (Entered: 01/28/2011)
01/28/2011	<u>12</u>	TRIAL Management Order: Witness and exhibit lists exchanged by parties (but not filed) at least 21 days before FPTC. Exhibits marked. Motions in limine 14 days before FPTC. Bench Trial set for 9/30/2011 09:00 AM in SC 1st Fl Ct before Chief Magistrate Judge Paul A Zoss. Final Pretrial Conference set for 9/16/2011 03:00 PM in SC 1st Fl Ct before Chief Magistrate Judge Paul A Zoss. Proposed Pretrial Order due by 9/14/2011. Signed by Chief Magistrate Judge Paul A Zoss on 1/28/11. (djs) (Entered: 01/28/2011)
02/22/2011	<u>13</u>	RESISTANCE to Motion for <i>Summary Judgment</i> filed by Drug Enforcement Administration. (Attachments: # <u>1</u> Brief, # <u>2</u> Defendant's Response to Plaintiff's Statement of Material Facts, # <u>3</u> Defendant's Statement of Additional Material Facts, # <u>4</u> Appendix) (Wright, Stephanie) (Entered: 02/22/2011)
02/24/2011		DOCKET Annotation re <u>13</u> Resistance to <u>10</u> Motion for Summary Judgment: Tabbed and bound copy received at clerk's office and forwarded to PAZ chambers (des) (Entered: 02/24/2011)
02/24/2011	<u>14</u>	MOTION for Extension of Time to File Time to File Reply to <u>10</u> Motion for Summary Judgment filed by Plaintiff Tony Hulstein (Taylor, Wallace) Modified text on 02/25/2011 (kfs) (Entered: 02/24/2011)
02/24/2011	<u>15</u>	ORDER granting <u>14</u> MOTION for Extension of Time to File Time to File Reply to <u>10</u> Motion for Summary Judgment filed by Tony Hulstein. Reply due by 3/2/2011. Signed by Chief Magistrate Judge Paul A Zoss on 2/24/2011. (des) (Entered: 02/24/2011)
02/28/2011	<u>16</u>	MOTION to Amend Brief in Support of <u>10</u> Motion for Summary Judgment by Plaintiff Tony Hulstein (Attachment # <u>1</u> Amended Brief) (Taylor, Wallace) Modified to add link 03/01/2011 (kfs) (Entered: 02/28/2011)
02/28/2011	<u>17</u>	ORDER granting <u>16</u> Motion to Amend Brief. The Clerk of Court is directed to docket the amended brief submitted with the motion. Signed by Chief Magistrate Judge Paul A Zoss on 02/28/11. Clerk has attached the amended brief to the motion for summary judgment at docket no. <u>10</u> . (src) (Entered: 02/28/2011)
03/02/2011	<u>18</u>	DOCKETED IN ERROR – MOTION for Leave to File Overlength Brief by Plaintiff Tony Hulstein (Taylor, Wallace) Modified on 3/2/2011 to add text. (src)

		(Entered: 03/02/2011)
03/02/2011	<u>19</u>	DOCKETED IN ERROR – MOTION for Leave to File Overlength Brief by Plaintiff Tony Hulstein (Taylor, Wallace) Modified on 3/2/2011 to add text. (src) (Entered: 03/02/2011)
03/02/2011	<u>20</u>	DOCKETED IN ERROR – REPLY to Response to Motion <i>For Summary Judgment</i> filed by Tony Hulstein. (Attachments: # <u>1</u> Brief, # <u>2</u> Statement of Material Facts, # <u>3</u> Appendix) (Taylor, Wallace) Modified on 3/2/2011 to add text. (src) (Entered: 03/02/2011)
03/02/2011		DOCKET Annotation re <u>20</u> Reply to Response to Motion, <u>19</u> MOTION for Leave to File Overlength Brief, <u>18</u> MOTION for Leave to File Overlength Brief. Please note that both of the motions listed have been terminated as they were docketed in error, the reply brief was also docketed in error as the court did not grant leave to file overlength brief, which was attached. QC Clerk contacted filing attorney and he will be filing them correctly. (src) (Entered: 03/02/2011)
03/02/2011	<u>21</u>	Amended MOTION for Leave to File Overlength Brief by Plaintiff Tony Hulstein (Attachments: # <u>1</u> Brief) (Taylor, Wallace) (Entered: 03/02/2011)
03/02/2011	<u>22</u>	REPLY to Response to Motion <i>For Summary Judgment</i> filed by Tony Hulstein. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Appendix) (Taylor, Wallace) (Additional attachment(s) added on 3/2/2011 pursuant to <u>23</u> Order: # <u>3</u> Brief) (des). (Entered: 03/02/2011)
03/02/2011	<u>23</u>	ORDER granting <u>21</u> Amended Motion for Leave to File Overlength Brief. Clerk directed to docket the brief submitted with the motion. Signed by Chief Magistrate Judge Paul A Zoss on 3/2/2011. (clerk has attached brief to <u>22</u> Reply to <u>10</u> Motion for Summary Judgment) (des) (Entered: 03/02/2011)
03/04/2011	<u>24</u>	ORDER Setting Telephonic Hearing on <u>10</u> Motion for Summary Judgment. Telephonic Motion Hearing set for 3/11/2011 9:00 AM before Chief Magistrate Judge Paul A Zoss. The court will initiate the conference call. Signed by Chief Magistrate Judge Paul A Zoss on 03/04/2011. (src) (Entered: 03/04/2011)
03/11/2011	<u>25</u>	MINUTE Entry for proceedings held before Chief Magistrate Judge Paul A Zoss: Telephonic Motion Hearing held on 3/11/2011. Ruling reserved – order to follow. Defendant to submit documents for in camera review by March 18, 2011. Defendant may supplement its Affidavit by March 18, 2011. Plaintiff may file a response by March 25, 2011. (Court Reporter – Digital Recording) (src) (Entered: 03/11/2011)
03/11/2011		Set Deadlines as to <u>10</u> Plaintiff's Motion for Summary Judgment. Defendant may supplement its Affidavit by 3/18/2011. Plaintiff may file a response by 3/25/2011. Action taken pursuant to minutes at <u>25</u> . (src) (Entered: 03/11/2011)
03/11/2011	<u>26</u>	ORDER On <u>10</u> Motion For Summary Judgment. Accordingly, Hulstein's motion for summary judgment is granted in part, denied in part, and reserved in part, and summary judgment is granted in part to DEA, as set forth in the order. Please see order text for details. Signed by Chief Magistrate Judge Paul A Zoss on 03/11/2011. (src) (Entered: 03/11/2011)
03/18/2011	<u>27</u>	DEFENDANT'S FIRST SUPPLEMENTAL DECLARATION of William C Little Jr RE: <u>10</u> Motion for Summary Judgment filed by Defendant Drug Enforcement Administration – Filed pursuant to <u>25</u> Minutes (Attachment # <u>1</u> Supplemental Declaration) (Wright, Stephanie) Modified text to add link on 03/21/2011 (kfs) (Entered: 03/18/2011)
03/21/2011	<u>28</u>	RESPONSE to <u>27</u> Defendant's First Supplemental Declaration of William C Little Jr RE: <u>10</u> Motion for Summary Judgment filed by Tony Hulstein – Filed pursuant to <u>25</u> Minutes (Taylor, Wallace) Modified text to add link on 03/22/2011 (kfs) (Entered: 03/21/2011)
03/22/2011	<u>29</u>	SUPPLEMENTAL ORDER granting in part and denying in part remainder of the <u>10</u> Motion for Summary Judgment (See Order Text). DEA directed to provide unredacted versions of the indicated paragraphs of the 8/13/2008 and 3/20/1990 reports to the plaintiff by 4/01/2011. This order, together with the court's order <u>26</u>

		of 3/11/2011, resolves all issues in the case. Judgment will be granted to the plaintiff and the defendant, respectively, consistent with these orders. Signed by Chief Magistrate Judge Paul A Zoss on 3/22/2011. (des) (Entered: 03/22/2011)
03/22/2011	<u>30</u>	JUDGMENT entered in accordance with the attached Order and Supplemental Order on Motion For Summary Judgment. Signed by Clerk and Approved by Chief Magistrate Judge Paul A Zoss on 3/22/2011. (des) (Entered: 03/23/2011)
03/26/2011	<u>31</u>	MOTION for Attorney Fees by Plaintiff Tony Hulstein (Attachments: # <u>1</u> Brief, # <u>2</u> Affidavit, # <u>3</u> Exhibit) (Taylor, Wallace) (Entered: 03/26/2011)
03/30/2011	<u>32</u>	EXPEDITED Relief Requested, MOTION for Extension of Time to Disclose Information <i>and</i> , MOTION to Stay <i>the Court's Final Judgment</i> by Defendant Drug Enforcement Administration (Attachments: # <u>1</u> Brief) (Wright, Stephanie) (Entered: 03/30/2011)
03/30/2011	<u>33</u>	ORDER – regarding <u>32</u> EXPEDITED Relief Requested MOTION for Extension of Time to Disclose Information <i>and</i> MOTION to Stay <i>the Court's Final Judgment</i> filed by Drug Enforcement Administration. The motion for extension of time to produce the documents is granted. The date for production is continued to May 22, 2011. The motion for stay is premature, and is denied. Signed by Chief Magistrate Judge Paul A Zoss on 03/30/2011. (src) (Entered: 03/30/2011)
04/01/2011	<u>34</u>	UNRESISTED Motion to Defer Plaintiff's EAJA Fee Request by Defendant Drug Enforcement Administration (Wright, Stephanie) Modified text on 04/04/2011 (kfs) (Entered: 04/01/2011)
04/04/2011	<u>35</u>	ORDER granting <u>34</u> Unresisted Motion to defer consideration of plaintiff's fee request until after the 5/20/11 deadline to file a notice of appeal has passed. Signed by Chief Magistrate Judge Paul A Zoss on 4/4/11. (djs) (Entered: 04/04/2011)
04/06/2011	<u>36</u>	ORDER – Pursuant to the request of the Drug Enforcement Administration, the operation of Local Rule 5.d is suspended and the documents submitted to the court in camera will be maintained by the Court until further order. Signed by Chief Magistrate Judge Paul A Zoss on 04/06/2011. (src) (Entered: 04/06/2011)
04/13/2011	<u>37</u>	NOTICE of Filing of Official Transcript of Telephonic Hearing on Motion for Summary Judgment held on 03/11/11 before Chief Magistrate Judge Paul A Zoss – Court Reporter: Carolyn Plueger – Telephone Number 712–239–1300 – Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction – After that date it may be obtained through PACER – Redaction Request ddl 05/04/2011 – Redacted Transcript ddl 05/16/2011 – Release of Transcript Restriction set for 07/12/2011 (kfs) (Entered: 04/13/2011)
04/13/2011	<u>38</u>	NOTICE of Filing of Electronic Transcript: Administrative Order attached: Please read for instructions for actions parties/counsel may be required to take RE: <u>37</u> Transcript of Telephonic Hearing on Motion for Summary Judgment (kfs) (Entered: 04/13/2011)
05/09/2011	<u>39</u>	NOTICE of Appeal as to <u>29</u> Order on Motion for Summary Judgment,, <u>26</u> Order on Motion for Summary Judgment, <u>30</u> Judgment by Drug Enforcement Administration. (Wright, Stephanie) (Entered: 05/09/2011)
05/09/2011	<u>40</u>	EXPEDITED Relief Requested, UNRESISTED Motion for Extension of Time to Disclose Information and Renewed Motion to Stay the Court's Final Judgment by Defendant Drug Enforcement Administration (Attachments: # <u>1</u> Brief (Defendant's Memorandum in Support of its Renewed Motion for Extension of Time to Disclose Information and Renewed Motion to Stay the Court's Final Judgment)) (Wright, Stephanie) (Entered: 05/09/2011)
05/09/2011	<u>41</u>	Renewed MOTION to Defer Consideration of Plaintiff's Fee Request re <u>31</u> MOTION for Attorney Fees by Defendant Drug Enforcement Administration (Wright, Stephanie) (Entered: 05/09/2011)
05/10/2011	<u>42</u>	NOA Supplement and Transmission of Notice of Appeal to US Court of Appeals RE: <u>39</u> Notice of Appeal – Case Number ddl 05/13/2011 (kfs) (Entered: 05/10/2011)

05/10/2011	<u>43</u>	ORDER granting <u>40</u> Unresisted Motion for extension of time to disclose information and to stay court's final judgment. The date for production and the stay is continued to 30 days after the return of the mandate from the Eighth Circuit Court of Appeals. Signed by Chief Magistrate Judge Paul A Zoss on 5/10/2011. (des) (Entered: 05/10/2011)
05/10/2011	<u>44</u>	ORDER granting <u>41</u> Motion to defer consideration of plaintiff's fee request. The defendant's response to plaintiff's motion for attorney fees is continued to 30 days after the return of the mandate from the Eighth Circuit Court of Appeals. Signed by Chief Magistrate Judge Paul A Zoss on 5/10/2011. (des) (Entered: 05/10/2011)
05/12/2011	<u>45</u>	USCA Case Number 11-2039 for <u>39</u> Notice of Appeal filed by Drug Enforcement Administration (Attachment # <u>1</u> Correspondence) (kfs) (Entered: 05/12/2011)
05/20/2011	<u>46</u>	USCA Amended Appeal Briefing Schedule Order for <u>39</u> Notice of Appeal filed by Defendant Drug Enforcement Administration: Transcript ddl 06/21/2011 (kfs) (Entered: 05/20/2011)
05/20/2011	<u>47</u>	ORDER Regarding Motion for Summary Judgment: The Court orders DEA to again provide the Court with copies of the unredacted documents so they can be forwarded to the Eighth Circuit Court of Appeals to be considered as part of the record in this case: See text of Order for further details. Signed by Chief Magistrate Judge Paul A Zoss on 05/20/11. (kfs) (Entered: 05/20/2011)
06/01/2011	<u>48</u>	CLERK'S Certified and Transmitted Record on Appeal to US Court of Appeals RE: <u>39</u> Notice of Appeal (kfs) (Entered: 06/01/2011)
07/01/2011	<u>49</u>	APPEAL Transmittal Receipt re <u>39</u> Notice of Appeal: Transcript of Hearing on Motion for Summary Judgment and Sealed In Camera Review Documents received at 8CC (des) (Entered: 07/01/2011)
09/09/2011	<u>50</u>	ORDER denying <u>31</u> Motion for Award of Attorney Fees and Costs (See Order Text). Signed by Chief Magistrate Judge Paul A Zoss on 9/9/2011. (des) (Entered: 09/09/2011)
03/02/2012	<u>51</u>	OPINION of USCA (certified copy) as to <u>39</u> Notice of Appeal filed by Drug Enforcement Administration: Reversing the Judgment of the District Court (Attachments: # <u>1</u> Correspondence 1 # <u>2</u> Correspondence 2) (kfs) (Entered: 03/02/2012)
03/02/2012	<u>52</u>	JUDGMENT of USCA (certified copy) as to <u>39</u> Notice of Appeal filed by Drug Enforcement Administration: The Judgment of the District Court is reversed (kfs) (Entered: 03/02/2012)
04/25/2012	<u>53</u>	MANDATE of USCA (certified copy) as to <u>39</u> Notice of Appeal filed by Drug Enforcement Administration RE: <u>51</u> Opinion and <u>52</u> Judgment: The formal mandate is hereby issued in the above-styled matter (kfs) (Entered: 04/25/2012)
06/08/2012		Magistrate Judge Leonard T Strand added. Magistrate Paul A Zoss no longer assigned to case. (jkh) (Entered: 06/08/2012)
07/12/2012	<u>54</u>	APPEAL Record Returned RE: <u>39</u> Notice of Appeal: <u>37</u> Transcript of Telephonic Hearing on Motion for Summary Judgment held on 03/11/11 and Sealed In Camera Review Documents Provided By Defendant returned from 8CC (Sealed In Camera Documents returned to AUSA Wright) (kfs) (Entered: 07/12/2012)